IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22258 of 2004

Between:

P. Narayana, S/o. Chandrappa,
Kalapuram (V), Pamidi (M), Anantapur District.

..... PETITIONER

AND

1 The Joint Collector, Ananatapur, Anantapur District.
2 The Revenue Divisional Officer, Ananatapur, Anantapur

District.
3 The Mandal Revenue Officer, Pamidi, Anantapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus, declaring the proceedings in Rc.No.D1/CS/1646/2004, dt. 16-11-2004 of 2nd respondent and the action of the 2nd respondent in not furnishing the MRO report dt. 3-11-2004 as illegal, arbitrary and consequently to set aside the same and further direct the respondents to furnish the MRO report dt. 13-11-2004 and continue the petitioner as FP Shop Dealer of Kalapuram Village, Pamidi (M) of Anantapur district pending disposal of enquiry before the 2nd respondent in the interest of Justice.

Counsel for the Petitioner: MR.N.CHANDRA SEKHAR REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following:

ORDER:

The petitioner is a Fair Price Shop Dealer. His authorization was suspended by the 2nd respondent through proceedings, dated 16.11.2004, on certain charges. He preferred an appeal before the 1st respondent together with an application for stay. Petitioner complains that the 1st respondent has not passed any orders so far, either in the appeal or in the stay petition, and seeks appropriate directions in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

Petitioner states that he has availed the statutory remedy of appeal before the 1st respondent, as provided for under Clause 20 of the A.P. State Public Distribution System Control Order, 2001. Unless, the application for interim orders is disposed of, the very purpose of filing an appeal may some times be defeated. It is true that in the Show Cause Notice-cum- Suspension Order, certain discrepancies as to stocks are pointed out. The truth or otherwise of the same, needs to be dealt with in the enquiry to be held by the 2nd respondent. Learned counsel for the petitioner vehemently submits that the petitioner was permitted to distribute the essential commodities for the month of November, and no alternative arrangement has been made so far. If that be so, the same state of affairs can be permitted to continue, till the 1st respondent disposes the appeal.

The writ petition is disposed of directing that the petitioner shall be continued as Fair Price Shop Dealer, if no alternative arrangement has been made so far, till the 1st respondent disposes the appeal preferred by the petitioner.

Sd/-

ASSISTANT REGISTRAR

Dated : 03rd December, 2004

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To

1 The Joint Collector, Ananatapur, Anantapur District.
2 The Revenue Divisional Officer, Ananatapur, Anantapur

District.
3 The Mandal Revenue Officer, Pamidi, Anantapur District.

4 2CCs to the Government Pleader for Civil Supplies, High

Court Buildings, Hyderabad. (O.U.T)

5 2CD copies.